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In re Application of	:	
Masterson et al.	:	
Application No.: 10/591,806	:	DECISION
PCT No.: PCT/US2005/007936	:	
Int. Filing Date: 08 March 2005	:	ON
Earliest Priority Date: 08 March 2004	:	
Attorney Docket No.: 34149-712.831	:	PETITION
For: Apparatus For Electrically Mediated	:	
Delivery Of Therapeutic Agents	:	

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 06 August 2009.

DISCUSSION

In a Decision mailed on 29 July 2009, the petition under 37 CFR 1.137(b) filed on 03 June 2009 was dismissed, without prejudice, because

With respect to the declaration, a declaration under PCT Rule 4.17(iv) was filed during the international phase. Said declaration was signed (and therefore filed) after the international filing date, but it was not completed by indicating the international application number to which it was directed. Inspection of the declaration filed on 03 June 2009 reveals that it is defective because Mr. Masterson's address was altered without being initialed at the time the declaration was signed. Therefore, requirement (1) has not been satisfied.

In response, petitioner has filed a copy of the declaration filed on 03 June 2009, as well as a new declaration. Inspection of the new declaration reveals that it nominates (and is signed by) Steven Masterson only. 37 CFR 1.67(a)(2) provides that "Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration *identifying the entire inventive entity* but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates." See MPEP 603. Since the new declaration does not name the entire inventive entity, it would not be appropriate to accept it at this time. Therefore, requirement (1) has not been satisfied.

DECISION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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